

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE WORLD TRADE CENTER
DISASTER SITE LITIGATION

21 MC 100 (AKH)

PETER PHALON, Plaintiff

09 CV 10547

v.

THE CITY OF NEW YORK, Defendant

**NOTICE OF PLAINTIFFS' MOTION FOR AN ORDER
"SO ORDERING" A SUBPOENA DUCES TECUM UPON
THE STATE OF NEW YORK WORKERS' COMPENSATION BOARD**

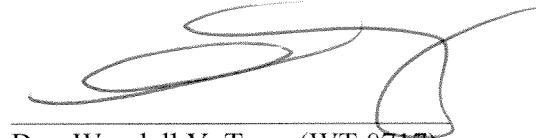
Upon the annexed certification of Wendell Y. Tong, an attorney, dated October 13, 2010 and the exhibits annexed thereto, Plaintiff Peter Phalon will move this Court, the Honorable Alvin K. Hellerstein, United States District Judge, presiding, Room 14D, United States District Court, Southern District of New York, 500 Pearl Street, New York, New York 10007 for a "so ordered" subpoena, pursuant to Rule 45 of the Federal Rules of Civil Procedure and New York Civil Practice Law and Rules 2307, compelling the State of New York Workers' Compensation Board to produce records of decision regarding Plaintiff's Workers' Compensation award and all supporting documents, including: medical records, narrative reports, affidavits, notices of award, claims forms, disability

determination, transmittal forms and internal memoranda regarding the Plaintiff Peter Phalon, and for such other and further relief as this Court deems just and proper.

Dated: New York, New York
October 13, 2010

Respectfully submitted,

SULLIVAN PAPAIN BLOCK
McGRATH & CANNAVO P.C.



By: Wendell Y. Tong (WT 0717)
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TO:

Sandra Olson
Secretary to the Board
State of New York Workers' Compensation Board
20 Park Street, Room 410
Albany, NY 12207

State of New York Workers' Compensation Board
P.O. Box 5205
Binghamton, NY 13902

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